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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,761	01/14/2000	Frank Vollkommer	97-P-5519DIV1	8801

7590 04/21/2004

Osram-Sylvania Inc.
Attn: Mr. Carlos S. Bessone
100 Endicott Street
Danvers, MA 01923

EXAMINER

HARPER, HOLLY R

ART UNIT PAPER NUMBER

2879

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/483,761	Applicant(s) VOLLKOMMER ET AL.	
	Examiner Holly R. Harper	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

The Pre-amendment, filed on 1/14/00, has been entered and acknowledged by the Examiner.

Claim 23 has been entered.

Claims 20-22 have been amended.

Claims 1-19 have been canceled.

The Specification and the Title have been amended.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 20-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,034,470 in view of Inbar et al. (USPN 6,011,528).

In regard to claim 23, the Vollkommer reference discloses that a flat fluorescent lamp is used for background lighting. The fluorescent lamp has a partially transparent discharge vessel, which is closed, flat and filled with a gas filling and consists of electrically non-conducting material, the inner wall of the vessel has a layer of fluorescent material, strip-like electrodes covered with a dielectric layer, a base plate, a top plate, and a frame being interconnected by solder, the electrodes merge into feedthroughs which merge into external supply leads to form a structure resembling a conductor track, the feedthroughs are guided outwards and covered in a gas-tight fashion, and the external supply leads connect to an electric supply source (claim 1). The Vollkommer reference does not disclose what type of device the lamp would be used in conjunction with. The Inbar reference teaches an LCD that has a fluorescent lamp used as a backlight (Column 14, Lines 1-8). The liquid crystal device has a liquid crystal display (Figure 17, Element 128), an electronic drive system (Abstract and Figure 17, Element 52 and 35), a lighting system for background lighting (Figure 17, Element 114), and a receptacle for all the components (Figure 1, Element 12). Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the flat lamp into an LCD display, as taught by Inbar, to illuminate the LCD.

In regard to claims 20-22, the Inbar reference teaches that a diffusion film is placed directly in front of the backlight to provide uniform illumination (Figure 17, Element 120 and Column 14, Lines 5-7) then there is a BEF to amplify the light and improve contrast (Figure 17, Element 122 and Column 5, Lines 25-30), and then a second diffusion film (Figure 17, Element 126) to increase the total amount of light passing through the display device (Column 14, Lines 40-45). Thus, it would have been obvious at the time the invention was made to a person having

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ordinary skills in the art to incorporate the first diffusion film, the BEF, and the second diffusion film, as taught by Inbar, to increase the total amount of light passing through the display device.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Winsor (USPN 5,319,282) discloses the use of two diffusers and a reflector with a flat lamp.

Contact Information

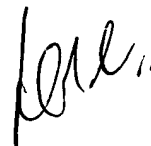
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper
Patent Examiner
Art Unit 2879



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